# STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES Land Division Honolulu, Hawaii 96813 December 8, 2006

Board of Land and Natural Resources State of Hawaii Honolulu, Hawaii

Kauai

PSF No.: 05KD-190

Amend Prior Board Action of December 9, 2005 Under Item D-3, Set Aside to County Of Kauai for Developing Affordable Housing Purposes, Kekaha, Waimea, Kapaa, Anahola, Kauai, Tax Map Key: (4) 1-2-02: 32, 1-2-06: 18, 4-3-07: 07, 08 & 11, 4-6-14: 30 & 112 and 4-8-13: 13.

#### BACKGROUND:

At its meeting of, December 9, 2006 the Board of Land and Natural Resources, under Item D-3, Set Aside to County Of Kauai for Developing Affordable Housing Purposes,

In a letter dated September 13, 2006 from Bernard P. Carvalho Jr., Director of Offices of Community Assistance, County of Kauai. Requested Parcel 18 of TMK: (4) 1-2-06 and Parcel 13 of TMK: (4) 4-8-13 be deleted from the list of eight (8) parcels identified to be set-aside to the County of Kauai for development of affordable housing. (EXHIBIT A)

This is due to their administrative evaluation assessment of the eight (8) parcels. Their final review found these two (2) parcels not suitable for the development of affordable housing.

#### RECOMMENDATION:

That the Board, amend its prior board action of December 9, 2005, under Item D-3 by:

Deleting Parcel 18 of TMK: (4) 1-2-06 and Parcel 13 of TMK: (4) 4-8-13.

Thomas Oi

Kauai District Land Agent

Submitted,

APPROVED FOR SUBMITTAL:

Peter T. Young, Chairperson

GARY HEU
ADMINISTRATIVE ASSISTANT



OFFICES OF COMMUNITY ASSISTANCE TELEPHONE 241-4418

BERNARD P. CARVALHO JR.

OCA DIRECTOR TELEPHONE 241-4419

### AN EQUAL OPPORTUNITY EMPLOYER COUNTY OF KAUA'I

OFFICES OF COMMUNITY ASSISTANCE 4444 RICE STREET PI'IKOI BUILDING, SUITE 330 LIHU'E, KAUA'I, HAWAI'I 96766

September 13, 2006

TO: Mr. Tommy Oi, District Land Agent, DLNR

FROM: Bernard P. Carvalho Jr., Director of Offices of Community Assistance

SUBJECT: Set Aside Parcels to the County of Kauai for Developing Affordable Housing Purposes

Dear Tommy,

After conducting an administrative evaluation and assessment of each of the eight (8) parcels that was approved by the Board of Land and Natural Resources for consideration in developing affordable housing on Kauai, we would like to delete two of the parcels from our approved listing. Our final review verifies that these parcels are not suitable for the development of affordable housing.

Parcel #1: Tax map key no. (4) 1-2-06-018, comprised of approximately 50, .264 acres of land along Waimea Canyon Drive in Waimea, Kauai;

Parcel #2: Tax map key no. (4) 4-8-013-013, comprised of approximately 1.698 acres of land along Aliomanu Road in Anahola, Kauai

We continue to work towards developing the remaining six (6) parcels and we will keep you informed of our progress. Per the conditions in a memorandum dated December 19<sup>th</sup> 2005, to Mayor Baptiste from Mr. Peter Young, please find attached the requested maps of the six parcels. We are mindful of the three year window to develop the remaining parcels.

Thank you,

Bernard P. Carvalho Jr., Director, OCA

cc: Gary Heu

EXHIBIT "A"

DLMEKDIROM

GEP 21 %6

PM2:00:51

### STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES Land Division Honolulu, Hawaii 96813

December 9, 2005

Board of Land and Natural Resources State of Hawaii Honolulu, Hawaii

PSF No.: 05KD-190

Kauai

Set Aside to County Of Kauai for Developing Affordable Housing Purposes, Kekaha, Waimea, Kapaa, Anahola, Kauai, Tax Map Keys: (4) 1-2-02:32; 1-2-06:18; 4-3-07:07, 08 & 11; 4-6-14:30 & 112; and 4-8-13:13.

#### APPLICANT:

County of Kauai

#### LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

#### LOCATIONS:

	EXHIBIT A
1-2-02:32	Waimea, Kauai
1-2-06:18	Waimea, Kauai
4-3-07:7	Kapaa, Kauai
4-3-07:8	Kapaa, Kauai
4-3-07:11	Kapaa, Kauai
4-6-14:30	Kapaa, Kauai
4-6-14:112	Kapaa, Kauai
4-8-13:13	Anahola, Kauai

#### AREA:

1-2-02:32	33.143 acres more or less
1-2-06:18	50.264 acres more or less
4-3-07:7	17.742 acres more or less
4-3-07:8	8.202 acres more or less
4-3-07:11	1.529 acres more or less
4-6-14:30	12.831 acres more or less
4-6-14:112	13.575 acres more or less
4-8-13:13	1.698 acres more or less

APPROVED BY THE BOARD OF LAND AND NATURAL RESOURCES AT ITS MEETING HELD ON

02:46.12 p.m. 12-15-2005

BLNR - Set Aside to County of Kauai Page 2

December 9, 2005

#### ZONING:

	State Land Use District	County of Kauai
1-2-02:32	Agricultural	Agricultural .
1-2-06:18	Urban	Residential
4-3-07:7	Urban	Residential
4-3-07:8	Urban	Residential
4-3-07:11	Urban	Residential
4-6-14:30	Urban	Residential
2044 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944 - 1944	Urban	Residential
4-8-13:13	Urban	Residential .

#### TRUST LAND STATUS:

	Section 5(b)	DHHL 30%
	lands of the	entitlement lands
	Hawaii	
	Admission Act	
1-2-02:32	Yes	Yes
1-2-06:18	Yes	Yes
4-3-07:7	Yes	No
4-3-07:8-2	Yes	No
4-3-07:11	Yes	No
4-6-14:30	Yes	No
4-6-14:112	Yes	No
4-8-13:13	Yes	No

#### CURRENT USE STATUS:

1-2-02:32	Revocable Permit No. S-7376 issued to Ross Fernandez
1-2-06:18	Vacant and unencumbered
4-3-07:7	Vacant and unencumbered
4-3-07:8	Vacant and unencumbered
4-3-07:11	Vacant and unencumbered
4-6-14:30	Vacant and unencumbered
4-6-14:112	Vacant and unencumbered
4-8-13:13	Vacant and unencumbered

#### PURPOSE:

Developing affordable housing purposes.

#### CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible

BLNR - Set Aside to County of Kauai

Page 3

December 9, 2005

for compliance with Chapter 343, HRS, as amended.

#### APPLICANT REQUIREMENTS:

Applicant shall be required to:

- Process and obtain subdivision at Applicant's own cost;
- Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- Provide County Council approval, funding commitment, development plans, construction plans, government permits and approvals, and construction contract.

#### BACKGROUND:

By a letter dated August 8, 2005, Mayor Bryan J. Baptiste wrote to Chairperson Peter T. Young requesting 8 parcels of State lands be set aside to the County of Kauai for the purpose of developing affordable housing. (Exhibit B) Through a news release, Mayor Baptiste discussed Project Mana'olana. County personnel would be conducting surveys on how many residents are interested in becoming homebuyers and how many are in need of rentals. Developers would be involved. The County would then be able to determine the housing needs and create a master plan. (Exhibit C)

#### REMARKS:

Every island is faced with a need for "affordable housing". Currently, the State agency trying to address this housing issue is the Housing and Community Development Corporation of Hawaii (HCDCH). The County of Kauai is now trying to address the housing problem for its community. No information (or a plan) has been submitted to analyze if the County's proposed use is durable and fully utilizes the requested State lands. Staff has conditioned this request on the County submitting documentation before the execution of the set aside document to support its request. Example: County Council approval, funding commitments, development timeline, etc. This is to ensure timely development of the project.

Comments were solicited and their statements are listed below:

DHHL	No response				
DOT	No response				
County of Kauai, Dept. of Planning	No objections				
County of Kauai, Dept. of Public Works	No comments				
County of Kauai, Dept. of Parks & Recreation	No response				
County of Kauai, Public Access, Open Space & natural Resources Commission	No response				
DLNR Historic Preservation	Comments attached				

BLNR - Set Aside to County of Kauai Page 4

December 9, 2005

	as Exhibit D
OHA	Comments attached
	as Exhibit E
County of Kauai, Dept. of	Comments attached
Water	as Exhibit F
DOH	No comments

On September 8, 2005, staff forwarded copies of the comments to Mayor Baptiste office. To date we have not received a response.

#### RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

- 1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Kauai under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- 2. If Applicant Requirements are not met within 3 years, this approval will automatically be rescinded.

Respectfully Submitted,

Thomas H. Oi

Kauai District Land Agent

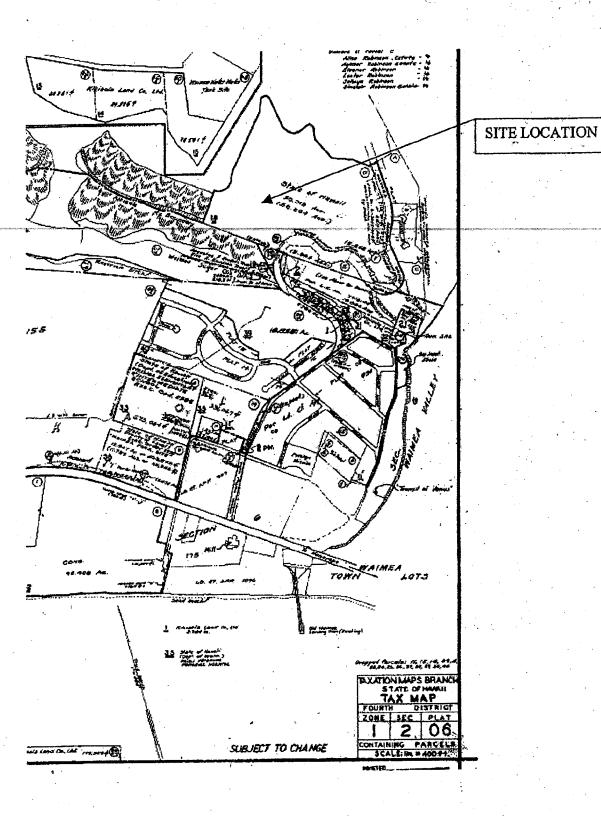
FOR SUBMITTAL/:

feter T. Young

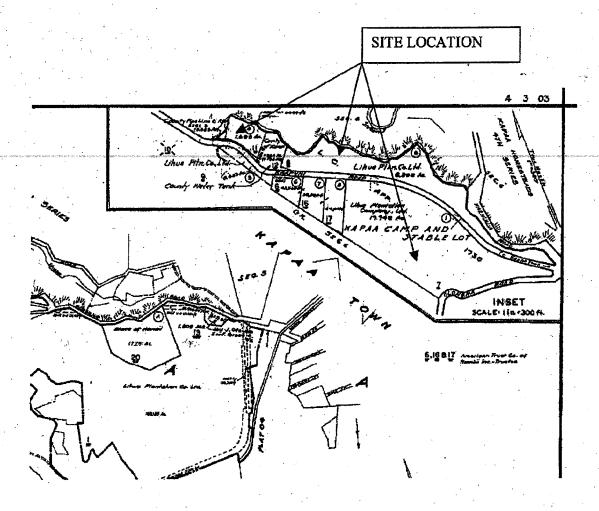
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12-15-2005

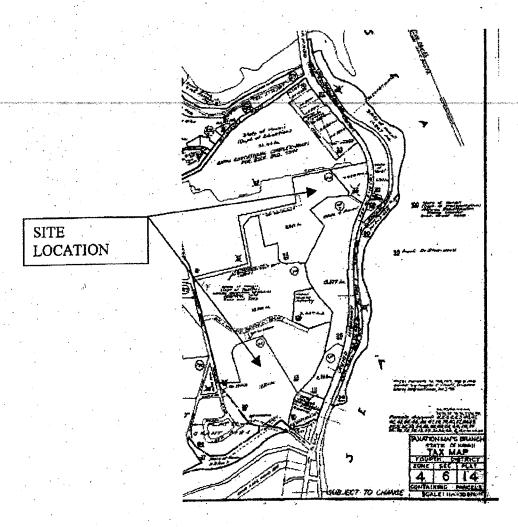
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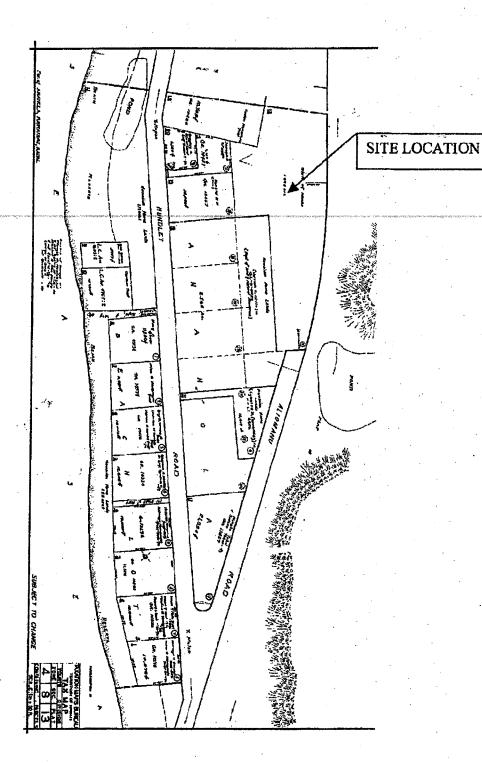
Land Division



Land Division



12-15-2005



Bryan J. Baptiste Mayor



Gary K. Heu
Administrative Assistant

#### OFFICE OF THE MAYOR

County of Kaua'i, State of Hawai'i 4444 Rice Street, Suite 235, Lihu'e, Hawai'i 96766 TEL (808) 241-6300 FAX (808) 241-6877

August 8, 2005

Mr. Peter Young, Director Department of Land and Natural Resources 1151 Punchbowl Honolulu, Hawai'i 96813

Re: REQUEST OF EXECUTIVE ORDER AGREEMENT

Dear Mr. Young:

The County of Kaua'i is requesting that the following parcels

- a) TMK No. (4) 1-2-06:18 with an area of 59 acres, located in Waimea, Kaua'i, Hawai'i
- b) TMK No. (4) 1-2-02:32 with an area of 11.7 acres, located in Kekaha, Kaua'i, Hawai'i
- c) TMK No. (4) 4-3-03:07 with an area of 17.7 acres, located at Kapa'a, Kaua'i, Hawai'i
- d) TMK No. (4) 4-3-03:08 with an area of 8.2 acres, located at Kapa'a, Kaua'i, Hawai'i
- e) TMK No. (4) 4-3-03:11 with an area of 1.5 acres, located at Kapa`a, Kaua`i, Hawai`i
- 1) TMK No. (4) 4-6-14:30 with an area of 12.8 acres, located at Kapa'a, Kaua'i, Hawai'i
- g) TMK No. (4) 4-6-14:112 with an area of 13.58 acres, located at Kapa'a, Kaua'i, Hawai'i
- h) TMK No. (4) 4-8-13:13 with an area of 1.7 acres, located at Anahola, Kaus'i, Hawai'i

be designated for the County of Kaua'i's control and management for the purpose of developing affordable housing.



Mr. Peter Young, Director Page 2 August 8, 2005

For your assistance, we have prepared an Executive Order, which memorializes the transfer of these parcels from the State to the County control. We respectfully request that your Department prepare Exhibits "A" through "P".

Thank you in advance for your assistance. Please do not he sitate to contact us if you have any concerns or questions.

Very truly yours,

BRYAN J. BAPTISTE Mayor

Enclosures

c: Governor Lingle Tommy Ol

EXHIBIT "B"

Mayor

**BRYAN J. BAPTISTE** 



Administrative Assistant

#### News Release

For Immediate Release: August 9, 2005

#### Mayor announces plans for a new affordable housing project

LIHUE - Mayor Bryan J. Baptiste announced today that plans are underway for a new affordable housing project on Kaua'i called Project Mānā'olana.

"In talking with people across the island about housing opportunities, so many of them felt that there is no way they or their children would ever be able to afford a home on Kaua'i, said the mayor. "I felt competted to create rays of hope for our residents."

In his quest to create more housing opportunities for island residents, the mayor recently met with Gov. Linda Lingle to discuss the possibility of transferring state lands to the county for affordable housing units.

The governor agreed that this move would be in the best interest of Kaua'i residents. So without hesitation, Mayor Baptiste applied for executive orders on a number of state-owned parcels offered by Gov. Lingle for Project Mānā'olana, and is expecting approval in the near future.

"The next step is for us to get a fairly accurate picture of the island's housing needs," said the mayor.

He pointed out that the Offices of Community Assistance Director Bernard Carvalho and his staff are planning to do a survey on how many Kaua'i residents are interested in becoming homebuyers and also how many are in need of rentals.

"We're asking for the public's help in providing us with this important information," said the mayor.

EXHIBIT C

(more)

County personnel will be conducting surveys around the island. The first will take place at the Kaua'i County Farm Bureau Fair slated for Aug. 25 through 28. The other surveys are scheduled for Sept. 10, 9 am to 1 pm, at the Kīlauea and Waimea neighborhood centers and at the Līhu'e Civic Center, Mō'ikeha Building, conference room 2A and 2B.

"The forms are fairly simple so it shouldn't take long to fill out a survey," said Carvalho, adding that the county booth will be located right next to the farm bureau's information booth.

"The data collected in the surveys, along with information gathered from developers, will help us determine what Kaua'i's true housing needs are so we can create a master plan for the island," said the mayor.

One aspect of Project Mānā'olana the administration is set on is making sure the units are kept affordable in perpetuity.

"Perhaps there will be buy-back clauses or a tie-in of valuations with the consumer price index or other economic indicators," said the mayor. "This aspect of the project needs to be discussed further."

If things go as planned for Project Mānā'olana, groundbreaking will take place in about two years.

Another related initiative that county officials have been working on is educating island residents on how to become successful homeowners.

The county's Housing Agency has teamed up with the Hawai'i HomeOwnership Center and is offering monthly home buyer education classes in the Līhu'e Civic Center, Pi'ikoi Building.

"Essentially, all the information and services one needs to become a homeowner are covered in the classes including – Managing Your Money, Getting a Mortgage Loan, Understanding Credit and Shopping for a Home," said Carvalho.

He also mentioned that next month, the Affordable Housing Advisory Committee will be submitting a housing policy to the County Council for consideration that includes a condition

Mayor announces plans for a new affordable housing project Page 3 08/09/05

stating that those who complete a homebuyer education program be placed on a priority list for affordable housing projects.

For information about the home buyer education classes, please call 1-877-523-9503.

###

NDA LINGLE





#### STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION KAKUHIHEWA BUILDING, ROOM 555 KAPOLEI, HAWAII 96707

September 22, 2005

DEAN NAKANO

ENGINEERING FORESTRY AND WILDLIFE HISTORIC PRESERVATION WE ISLAND RESERVE COM 1 JAIN

**MEMORANDUM** 

LOG NO: 2005.1829 DOC NO: 0508NM25

PM1:26:50

TO:

Thomas Oi, Kauai District Land Agent

**DLNR- Kauai Land Division** 

OCT 3 '05

DLNR KDLO RCUD

FROM:

Melanie Chinen, Administratør

State Historic Preservation Division

SUBJECT:

Chapter 6E-8 Historic Preservation Review - Request for the Set Aside

of Lands at Various Locations to the County of Kaual for Affordable

Housing (County of Kauai)

Kekaha, Waimea, Kapaa, Anaholoa, Kauai Island

TMK: 1-2-06: 18; 1-2-02: 32; 4-3-07, 07, 08, and 11, 4-6-14: 30

and 112, 4-8-13

Thank you for the opportunity to comment on this application which we received on August 15, 2005. No archaeological inventory survey has been consulted for these parcels. Some of these lands that were clearly in cane cultivation may only require an archaeological assessment. Those parcels include the following TMK: 4-3-007: 7, 8, and 11 (Kapaa).

We believe there maybe significant historic sites including habitation and temporary habitation sites, walls, agricultural terraces, etc. in the project area. In order to make sure the historic sites for this project are documented an archaeological inventory survey will need to be prepared for the following parcels: TMK: 1-2-2: 32 (Kekaha), 1-2-6: 18 (Waimea), 4-6-14: 30 and 112 (Kapaa), and 4-8-13: 13 (Anahola).

We recommend that any approved application contain the following:

1) An archaeological inventory survey or archaeological assessment shall be conducted as indicated above by a qualified archaeologist prior to any land altering activities. A report documenting the archaeological work shall be submitted to the State Historic Preservation Division for review and approval. The report shall include a proposed evaluation of significance of any historic sites that are found, and mitigation proposals for any significant sites that are present. These proposals must be reviewed and approved by the Division.

EXHIBIT I

Thomas Oi, Kauai District Land Agent Page 2

- 2) If significant historic sites are present (non-burial sites), then detailed mitigation plans (scopes of work) must be submitted to the State Historic Preservation Division for approval. The State Historic Preservation Division must verify in writing that the plan(s) have been successfully executed prior to any land alteration.
- 3) If burials are discovered during the survey, burial treatment determinations must be handled by the Kauai Island Burial Council. A burial treatment plan shall be prepared for burials, following the procedures outlined in Chapter 6E-43 and that section's accompanying rules. This plan must be executed successfully, prior to any land alteration.

If you have any questions, please call Nancy McMahon 742-7033.

NM:jen

PHONE (808) 594-1888



FAX (808) 594-1865

## STATE OF HAWAI'I OFFICE OF HAWAIIAN AFFAIRS 711 KAPI'OLANI BOULEVARD, SUITE 500 HONOLULU, HAWAI'I 96813

HRD05/1997

September 6, 2005

Thomas Oi Kaua'i District Land Agent Department of Land and Natural Resources Land Division P.O. Box 621 Honolulu, HI 96809 CAND DIVISION

2005 SEP 13 A 8: 48

DEPT OF LAND &
NATURAL RESOURCES

RE: Request for the Set Aside of lands in various locations of Kaua'i to the County of Kaua'i for affordable housing purposes, Kaua'i, TMKs: (Kekaha) 1-2-006:018; (Kapa'a) 4-3-007: 007, 008 and 011; 4-6-014:030 and 112; and (Anahola) 4-8-013:013

Dear Thomas Oi,

The Office of Hawaiian Affairs (OHA) is in receipt of your August 12, 2005, request for comments on the above project, which would allow the Department of Land and Natural Resources (DLNR), to set aside approximately 126.18 acres, 85.2 acres of which are ceded, to the County of Kaua'i (County) to use for building affordable housing.

We apologize for our delayed response, and appreciate your understanding of the need for extra time in evaluating this proposition, both because of OHA's strong interest in affordable housing and ceded lands issues, and our delay in receiving the proposal. It was initially sent to our Kaua'i office, and our Community Resources Coordinator then kindly sent it to the Honolulu office that is charged with commenting on all such proposals. Please, in the future, send all DLNR, Land Division, Kaua'i District proposals to OHA's Honolulu office for review to ensure more timely and thorough reviews and responses from this office. OHA offers the following comments.

EXHIBIT E

Thomas Oi September 6, 2005 Page 2

OHA understands that the intent of this proposed transfer of lands is to provide more affordable housing for Kaua'i – a concept that we support. Indeed, one of OHA's strategic goals and interests is to provide affordable housing for homeless, working class and elderly Hawaiians.

Because some of these lands are ceded, however [TMKs 1-2-006:018 (Waimea); 1-2-002:032 (Kekaha); 4-6-014:030 (Kapa'a); and 4-8-013:013 (Anahola)], OHA has concerns. The County of Kaua'i should be aware of OHA's interest in ceded lands and in our interest in providing affordable housing for the Hawaiians of Kaua'i. Thus, the County should have consulted with us before requesting the transfer of any ceded lands, and OHA should be part of any such agreement and the planning process. We, for example, would like to see that at least 20 percent of all affordable housing on ceded lands be set aside for Hawaiians, particularly those with less that 50 percent blood quantum, who would not qualify for Hawaiian Home Lands.

OHA also questions what parameters will be in place to assure that these homes really are "affordable." We note that no definition of "affordable" is in the proposal, and, even though a land transfer would not be cost prohibitive to the County, it is unclear from the proposal how expensive infrastructure and construction would be, and how those factors would affect the cost of the housing. Equally, will there be restrictions in place for re-sale/leasing that will maintain these homes within the realm of affordable housing? OHA cannot, in good conscience, agree to such use of ceded lands without more descriptive plans and explanations of restrictions and costs.

Furthermore, the language of Mayor Baptiste's proposal and the draft Executive Order also concerns OHA. On page 2 of the Draft Executive Order, the second paragraph reads:

FOR COUNTY OF KAUA'I AFFORDABLE HOUSING PURPOSES, to be under the *control and management* of the County of Kaua'i, a political subdivision of the State of Hawai'i, being the following parcels of land... (*emphasis added*).

While we may be able, after proper consultation, to acquiesce to a transfer of management of the lands to the County, we cannot agree to the transfer of control over any ceded lands. Such language could be interpreted as allowing the County to alienate said property.

OHA expects that the County will be willing to work with us and involve us in the planning process for such proposed development on ceded lands, and we look forward to working with both the County and DLNR on this proposal.

Thank you for the opportunity to comment, and for your kind assistance in both answering our questions about this proposal and allowing us a time extension for our written responses to the

Thomas Oi September 6, 2005 Page 3

proposal. If you have further questions, please contact Heidi Guth at 594-1962 or e-mail her at heidig@oha.org.

Sincerely,

Clyde W. Nāmu'o Administrator

CC: Mayor Bryan J. Baptiste
County of Kaua'i
State of Hawai'i
4444 Rice Street, Suite 235
Lihu'e, HI 96766

La France Kapaka-Arboleda Community Resource Coordinator OHA – Kaua'i Office 3-3100 Kuhio Hwy., Suite C4 Lihue, HI 96766-1153

water has no substitute......Conserve it

05 KD- 190



2005 AUG 29 A 9 36

DEPT. OF LAND & MATURAL RESOURCES STATE OF HAYAII

August 26, 2005

Mr. Thomas Oi State of Hawaii, DLNR P.O. Box 621 Honolulu, HI 96809

Dear Mr. Oi:

Subject:

County of Kauai's Request to Set Aside State Lands to the County of Kaua'i for Affordable Housing Purposes, TMK: 1-2-06:018, TMK: 1-2-02:032, TMK: 4-3-07:007; 008; 011, TMK: 4-6-14:030; 112, and TMK: 4-8-13:013, Kaua'i, Hawaii

This letter is in response to your August 12, 2005 Memorandum.

The applicant is made aware that any actual subdivision or development of these areas will be dependent on the adequacy of the source, storage, and transmission facilities existing at that time.

If you have any questions, please contact Mr. Keith Aoki at (808) 245-5418.

Sincerely,

Gregg Fujikawa

Chief of Water Resources and Planning

NAME TO A STATE OF THE PARTY OF

EXHIBIT F